

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CUTTING EDGE VISION, LLC,

Plaintiff,

v.

HTC CORPORATION and  
HTC AMERICA, INC.,

Defendant.

CASE NO. 2:20-cv-01618-RAJ-MLP

**CUTTING EDGE VISION, LLC'S  
ANSWER TO HTC CORPORATION  
AND HTC AMERICA, INC.'S  
COUNTERCLAIMS**

**JURY TRIAL DEMANDED**

District Judge: Richard A. Jones  
Magistrate Judge: Michelle L. Peterson  
Complaint filed: 11/03/2020

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Cutting Edge Vision, LLC ("CEV") answers the Counterclaims filed on February 8, 2021 by Defendants HTC Corporation and HTC America, Inc. (collectively "HTC") as follows. The numbered paragraphs of this Answer correspond to the numbered paragraphs of the Counterclaims. Headings used by HTC in its Counterclaims are restated for ease of reference, but no admission is made thereby.

**ANSWER**

To the extent not expressly admitted below, CEV denies each and every allegation in the Counterclaims, including but not limited to allegations that HTC is entitled to any relief

OGDEN MURPHY WALLACE, PLLC  
901 5TH AVE, SUITE 3500  
SEATTLE, WA 98164

1 or monetary recovery in any amount.

2 **DEFENSES**

3 Although no reply is required to HTC's affirmative defenses, CEV expressly denies  
4 each affirmative defense set forth in HTC's Answer and Counterclaims.

5 **COUNTERCLAIMS**

6 **THE PARTIES**

7 1. HTC America, Inc. is a Washington Corporation with a place of business at  
8 308 Occidental Ave S #300, Seattle, WA 98104.

9 **ANSWER:** Admitted.

10 2. HTC Corporation is a Taiwanese corporation with a place of business at No.  
11 88, Section 3, Zhongxing Road, Xindian District, New Taipei City 231, Taiwan.

12 **ANSWER:** Admitted.

13 3. According to its Complaint, Cutting Edge Vision, LLC ("CEV") is an Arizona  
14 Limited Liability Company based in Scottsdale, Arizona.

15 **ANSWER:** Admitted.

16 **JURISDICTION AND VENUE**

17 4. Subject to HTC's defenses and denials, HTC alleges that this Court has  
18 jurisdiction over the subject matter of these Counterclaims under, without limitation, 28  
19 U.S.C. §§ 1331, 1338(a), 1367, 2201, and 2202, and venue for these Counterclaims is proper  
20 in this District to the extent venue is proper in this case.

21 **ANSWER:** Admitted.

22 5. This Court has personal jurisdiction over CEV for at least the reason that CEV  
23 has subjected itself to the jurisdiction of this Court by initiating this action.

24 **ANSWER:** Admitted.

25 **FACTUAL BACKGROUND**

26 6. In its Complaint, CEV purports to hold all substantial rights, title and interest

1 in U.S. Patent Nos. 7,697,827 (“the ’827 Patent”); 9,936,116 (“the ’116 Patent”); 10,257,401  
2 (“the ’401 Patent”); and 10,063,761 (“the ’063 Patent”) (collectively “the CEV Patents”).

3 **ANSWER:** Admitted.

4 7. In its Complaint, CEV asserts that HTC has infringed the CEV Patents.

5 **ANSWER:** Admitted.

6 8. HTC does not and has not infringed any valid, enforceable claim of any of the  
7 CEV Patents.

8 **ANSWER:** Denied.

9 9. The asserted claims of the CEV Patents are invalid for failure to meet the  
10 conditions of patentability and/or otherwise comply with one or more requirements of 35  
11 U.S.C. §§ 100 et seq., including §§ 101, 102, 103, and 112.

12 **ANSWER:** Denied.

13 10. CEV has asserted in pre-suit communications with HTC that the CEV Patents  
14 are not invalid.

15 **ANSWER:** Admitted.

16 11. HTC has provided CEV with detailed invalidity claim charts.

17 **ANSWER:** CEV admits only that HTC has provided CEV with charts purportedly  
18 comparing references to certain claims of the CEV Patents. CEV otherwise denies the  
19 allegations if Paragraph 11.

20 12. HTC’s invalidity claim charts demonstrate the invalidity of CEV Patents.

21 **ANSWER:** Denied.

22 13. Invalidity information provided to CEV by HTC includes reference to  
23 Japanese patent JP 2000214525 to Yoji Watanabe, published Aug. 4, 2000.

24 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
25 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
26 provided “invalidity information.” Plaintiff admits that HTC referenced JP 2000214525, and,

1 according to the online records of the Japanese Patent Office, Japanese patent JP 2000214525  
2 to Yoji Watanabe published Aug. 4, 2000. Plaintiff denies any remaining allegations of this  
3 paragraph.

4 14. Japanese patent JP 2000214525 to Yoji Watanabe, published Aug. 4, 2000 is  
5 prior art to the claimed invention in United States Patent No. 7,697,827.

6 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
7 To the extent an answer is required, Plaintiff admits that, according to the online records of  
8 the Japanese Patent Office, Japanese patent JP 2000214525 to Yoji Watanabe published Aug.  
9 4, 2000. Plaintiff denies any remaining allegations of this paragraph.

10 15. Invalidity information provided to CEV by HTC includes reference to  
11 Taiwanese patent TW 200520512 to Ren Hao Liu, published Jun. 16, 2005.

12 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
13 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
14 provided “invalidity information.” Plaintiff admits that HTC referenced TW 200520512,  
15 and, according to the online records of Google patents, Taiwanese patent TW 200520512 to  
16 Ren Hao Liu published Jun. 16, 2005. Plaintiff denies any remaining allegations of this  
17 paragraph.

18 16. Taiwanese patent TW 200520512 to Ren Hao Liu, published Jun. 16, 2005 is  
19 prior art to the claimed invention in United States Patent No. 7,697,827.

20 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
21 To the extent an answer is required, Plaintiff admits that, according to the online records of  
22 Google patents, Taiwanese patent TW 200520512 to Ren Hao Liu published Jun. 16, 2005.  
23 Plaintiff denies any remaining allegations of this paragraph.

24 17. Invalidity information provided to CEV by HTC includes reference to United  
25 States Patent Application No. US 20050168579 to Imamura.

26 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.

1 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
2 provided “invalidity information.” Plaintiff admits that HTC referenced US 20050168579,  
3 and, according to the online records of the United States Patent Office, Publication No. US  
4 20050168579 to Imamura published August 4, 2005. Plaintiff denies any remaining  
5 allegations of this paragraph.

6 18. United States Patent Application No. US 20050168579 to Imamura is prior art  
7 to the claimed invention in United States Patent No. 7,697,827.

8 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
9 To the extent an answer is required, Plaintiff admits that, according to the online records of  
10 the United States Patent Office, Publication No. US 20050168579 to Imamura published  
11 August 4, 2005. Plaintiff denies any remaining allegations of this paragraph.

12 19. Invalidity information provided to CEV by HTC includes reference to United  
13 States Patent Application No. US 20060114338 to Rothschild.

14 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
15 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
16 provided “invalidity information.” Plaintiff admits that HTC referenced US 20060114338,  
17 and, according to the online records of the United States Patent Office, Publication No. US  
18 20060114338 to Rothschild published June 1, 2006. Plaintiff denies any remaining  
19 allegations of this paragraph.

20 20. United States Patent Application No. US 20060114338 to Rothschild is prior  
21 art to the claimed invention in United States Patent No. 7,697,827.

22 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
23 To the extent an answer is required, Plaintiff admits that, according to the online records of  
24 the United States Patent Office, Publication No. US 20060114338 to Rothschild published  
25 June 1, 2006. Plaintiff denies any remaining allegations of this paragraph.

26 21. Invalidity information provided to CEV by HTC includes reference to United

1 States Patent No. 7,468,744.

2       **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
3 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
4 provided “invalidity information.” Plaintiff admits that HTC referenced United States Patent  
5 No. 7,468,744, and, according to the online records of the United States Patent Office, United  
6 States Patent No. 7,468,744 to Edwards et al. issued December 23, 2008. Plaintiff denies any  
7 remaining allegations of this paragraph.

8       22. United States Patent No 7,468,744 is prior art to the claimed invention in  
9 United States Patent No. 7,697,827.

10       **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
11 To the extent an answer is required, Plaintiff admits that, according to the online records of  
12 the United States Patent Office, United States Patent No. 7,468,744 to Edwards et al. issued  
13 December 23, 2008. Plaintiff denies any remaining allegations of this paragraph.

14       23. Invalidity information provided to CEV by HTC includes reference to United  
15 States Patent No. 6,636,259.

16       **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
17 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
18 provided “invalidity information.” Plaintiff admits that HTC referenced United States Patent  
19 No. 6,636,259, and, according to the online records of the United States Patent Office, United  
20 States Patent No. 6,636,259 to Anderson et al. issued October 21, 2003. Plaintiff denies any  
21 remaining allegations of this paragraph.

22       24. United States Patent No 6,636,259 is prior art to the claimed invention in  
23 United States Patent No. 7,697,827.

24       **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
25 To the extent an answer is required, Plaintiff admits that, according to the online records of  
26 the United States Patent Office, United States Patent No. 6,636,259 to Anderson et al. issued

1 October 21, 2003. Plaintiff denies any remaining allegations of this paragraph.

2 25. Invalidity information provided to CEV by HTC includes reference to United  
3 States Patent No. 6,715,003.

4 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
5 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
6 provided “invalidity information.” Plaintiff admits that HTC referenced United States Patent  
7 No. 6,715,003, and, according to the online records of the United States Patent Office, United  
8 States Patent No. 6,715,003 to Safai issued March 30, 2004. Plaintiff denies any remaining  
9 allegations of this paragraph.

10 26. United States Patent No. 6,715,003 is prior art to the claimed invention in  
11 United States Patent No. 7,697,827.

12 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
13 To the extent an answer is required, Plaintiff admits that, according to the online records of  
14 the United States Patent Office, United States Patent No. 6,715,003 to Safai issued March 30,  
15 2004. Plaintiff denies any remaining allegations of this paragraph.

16 27. Invalidity information provided to CEV by HTC includes reference to South  
17 Korean patent KR20040065987A, published on July 23, 2004.

18 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.  
19 To the extent an answer is required, Plaintiff denies any suggestion or implication that HTC  
20 provided “invalidity information.” Plaintiff admits that HTC referenced KR20040065987A,  
21 and, according to the online records of Google patents, South Korean patent  
22 KR20040065987A to Matsufune published on July 23, 2004. Plaintiff denies any remaining  
23 allegations of this paragraph.

24 28. South Korean patent KR20040065987A, published on July 23, 2004 is prior  
25 art to the claimed invention in United States Patent No. 7,697,827.

26 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.

1 To the extent an answer is required, Plaintiff admits that, according to Google patents, South  
2 Korean patent KR20040065987A to Matsufune published on July 23, 2004. Plaintiff denies  
3 any remaining allegations of this paragraph.

4 29. CEV does not sell and has not sold a product or products covered by any CEV  
5 Patent.

6 **ANSWER:** Admitted.

7 30. CEV does not presently and has not ever offered for sale a mobile application  
8 or applications for iOS.

9 **ANSWER:** Admitted.

10 31. CEV does not presently and has not ever offered for sale a mobile application  
11 or applications for Android.

12 **ANSWER:** Admitted.

13 32. CEV does not presently and has not ever offered for download a mobile  
14 application or applications for iOS.

15 **ANSWER:** Admitted.

16 33. CEV does not presently and has not ever offered for download a mobile  
17 application or applications for Android.

18 **ANSWER:** Admitted.

19 34. CEV does not require that its licensees mark covered products with the CEV  
20 Patent numbers pursuant to 35 U.S. Code § 287(a).

21 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.

22 35. CEV places no requirements on its licensees that they mark covered products  
23 with the CEV Patent numbers pursuant to 35 U.S. Code § 287(a).

24 **ANSWER:** This paragraph contains legal conclusions to which no answer is required.

25 36. CEV's licensees do not mark covered products with the CEV Patent numbers  
26 pursuant to 35 U.S. Code § 287(a).









1 remaining allegations of Paragraph 54 and specifically denies that HTC is entitled to any  
2 relief, as prayed for or otherwise.

3 55. HTC has not infringed and does not infringe, directly or indirectly, any valid  
4 and enforceable claim of the '116 patent.

5 **ANSWER:** Denied.

6 56. This is an exceptional case under 35 U.S.C. § 285 including without limitation  
7 because CEV filed its Complaint with knowledge of the facts stated in this Counterclaim.

8 **ANSWER:** Denied.

9 **COUNT FOUR**

10 **Declaratory Judgment of Invalidity of U.S. Patent No. 9,936,116**

11 57. HTC restates and incorporates by reference its allegations in paragraphs 1  
12 through 56 of its Counterclaims.

13 **ANSWER:** CEV incorporates its responses set forth in each of the foregoing  
14 paragraphs as though fully set forth here.

15 58. An actual case or controversy exists between HTC and CEV as to whether the  
16 '116 Patent is invalid.

17 **ANSWER:** Admitted.

18 59. A judicial declaration is necessary and appropriate so that HTC may ascertain  
19 whether the '116 Patent is invalid.

20 **ANSWER:** Admitted only that HTC seeks a judicial declaration so that it may  
21 ascertain whether the '116 patent is valid. Except as expressly admitted, CEV denies the  
22 remaining allegations of Paragraph 59 and specifically denies that HTC is entitled to any  
23 relief, as prayed for or otherwise.

24 60. The '116 Patent is invalid for failure to meet the conditions of patentability  
25 and/or otherwise comply with one or more of the requirements of 35 U.S.C. §§ 100 et seq.,  
26 including §§ 101, 102, 103, and 112.



**Declaratory Judgment of Invalidity of U.S. Patent No. 10,257,401**

67. HTC restates and incorporates by reference its allegations in paragraphs 1 through 66 of its Counterclaims.

**ANSWER:** CEV incorporates its responses set forth in each of the foregoing paragraphs as though fully set forth here.

68. An actual case or controversy exists between HTC and CEV as to whether the '401 Patent is invalid.

**ANSWER:** Admitted.

69. A judicial declaration is necessary and appropriate so that HTC may ascertain whether the '401 Patent is invalid.

**ANSWER:** Admitted only that HTC seeks a judicial declaration so that it may ascertain whether the '401 patent is valid. Except as expressly admitted, CEV denies the remaining allegations of Paragraph 69 and specifically denies that HTC is entitled to any relief, as prayed for or otherwise.

70. The '401 Patent is invalid for failure to meet the conditions of patentability and/or otherwise comply with one or more of the requirements of 35 U.S.C. §§ 100 et seq., including §§ 101, 102, 103, and 112.

**ANSWER:** Denied.

71. This is an exceptional case under 35 U.S.C. § 285 including without limitation because CEV filed its Complaint with knowledge of the facts stated in this Counterclaim.

**ANSWER:** Denied.

**COUNT SEVEN**

**Declaratory Judgment of Non-Infringement of U.S. Patent No. 10,063,761**

72. HTC restates and incorporates by reference its allegations in paragraphs 1 through 71 of its Counterclaims.

**ANSWER:** CEV incorporates its responses set forth in each of the foregoing

OGDEN MURPHY WALLACE, PLLC  
901 5TH AVE, SUITE 3500  
SEATTLE, WA 98164

1 paragraphs as though fully set forth here.

2 73. An actual case or controversy exists between HTC and CEV as to whether the  
3 '761 Patent is not infringed by HTC.

4 **ANSWER:** Admitted.

5 74. A judicial declaration is necessary and appropriate so that HTC may ascertain  
6 its rights regarding the '761 patent.

7 **ANSWER:** Admitted only that HTC seeks a judicial declaration so that it may  
8 ascertain its rights regarding the '761 patent. Except as expressly admitted, CEV denies the  
9 remaining allegations of Paragraph 74 and specifically denies that HTC is entitled to any  
10 relief, as prayed for or otherwise.

11 75. HTC has not infringed and does not infringe, directly or indirectly, any valid  
12 and enforceable claim of the '761 patent.

13 **ANSWER:** Denied.

14 76. This is an exceptional case under 35 U.S.C. § 285 including without limitation  
15 because CEV filed its Complaint with knowledge of the facts stated in this Counterclaim.

16 **ANSWER:** Denied.

17 **COUNT EIGHT**

18 **Declaratory Judgment of Invalidity of U.S. Patent No. 10,063,761**

19 77. HTC restates and incorporates by reference its allegations in paragraphs 1  
20 through 76 of its Counterclaims.

21 **ANSWER:** CEV incorporates its responses set forth in each of the foregoing  
22 paragraphs as though fully set forth here.

23 78. An actual case or controversy exists between HTC and CEV as to whether the  
24 '761 Patent is invalid.

25 **ANSWER:** Admitted.

26 79. A judicial declaration is necessary and appropriate so that HTC may ascertain





1 *Attorneys for Plaintiff*

2  
3 THE LAW OFFICES OF LISA & LESKO, LLC

4 By: /s/Justin J. Lesko

5 Justin J. Lesko, admitted *Pro Hac Vice*

6 Steven G. Lisa, admitted *Pro Hac Vice*

7 55 East Monroe Street, Suite 3800

8 Chicago, IL 60603


9 Tel.: (480) 442-0297

10 JustinLesko@patentit.com

11 SteveLisa@patentit.com

12 *Attorneys for Plaintiff*

13  
14 OGDEN MURPHY WALLACE, PLLC

15 By: 

16 Daniel J. Vecchio, WSBA # 44632

17 901 Fifth Avenue, Suite 3500

18 Seattle, WA 98164

19 Tel: (206) 447-7000

20 dvecchio@omwlaw.com

21 *Attorneys for Plaintiff*

22  
23  
24  
25  
26 OGDEN MURPHY WALLACE, PLLC

901 5TH AVE, SUITE 3500

SEATTLE, WA 98164